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SUBJECT: CHANGING OF THE GUARD AT THE SUPREME COURT

Classified By: AMBASSADOR CHARLES W. LARSON JR. FOR REASON 1.4(b)

11. (C) Summary: On June 5 Ivars Bickovics, currently the Chair of the Political Panel in the Supreme Court, was appointed by the Saeima (parliament) to become the next Latvian Supreme Court Chief Justice, replacing Andris Gulans who has had that position since 1994. Gulans, last day is June 13. The nomination of Bickovics has been controversial in the government, media and public, with allegations of connections with the KGB and unclear circumstances surrounding his Latvian naturalization. Though Bickovics is not seen as necessarily corrupt, he is also not seen as a dynamic agent of change. End summary.

Chief Justice Selection Process

12. (U) During a plenary session of the Supreme Court on May 8, Supreme Court Judges nominated four candidates to replace Chief Justice Andris Gulans. (Gulans has been in that position since 1994 and announced publicly that he would not seek reelection to continue after his term expires on June 13.) The four candidates were current Supreme Court Officials; Chief Justice Gulans, Pavel Grozins, Chair of the Supreme Court Cassation Department, Valerijans Jonikans, Chair of the Civil Case Department, and Ivars Bickovics, Chair of the Criminal Panel. Bickovics was the only nominee who accepted his nomination, and on May 9, 28 of the 44 Supreme Court Judges voted to confirm this nomination.

13. (S/NF) On Tuesday, May 27 the Saeima Legal Affairs Committee voted to support Bickovics' appointment. Vineta Muizniece, Chair of the Committee and Saeima coalition member, supported the nomination, as did eight other coalition MPs. Three voted against. On Wednesday, May 28 the Constitution Protection Bureau (SAB) allowed Bickovics a security clearance. (Comment: A member of the Saeima Legal Affairs Committee told us that he believed the clearance was pushed through while SAB Chief Kazocins was out of town. Although post GRPO cannot confirm this, they stated that they had the same speculation. End Comment) On June 5 during a normal session the Saeima voted to appoint Bickovics to the Chief Justice position for a 7-year term.

Nomination Controversy

14. (C) The nomination of Bickovics was controversial in the press, within the government and with the Latvian public. Although he is popular among the Supreme Court Judges and is a champion on their behalf (much like a union representative) he is not considered a proponent of transparency in the workings of the Supreme Court. He relies instead on the assertion of the power of the Court and the infallibility of their decisions. Because of this and other factors, a contact at the Saeima Legal Affairs Committee characterized his nomination as a disaster. Another member of Saeima, from the coalition, called him a representative of the "mafia of judges."

15. (S/NF) Bickovics' past is also controversial. The press reported that his name appears in KGB records held in Latvia but never released. (Comment: It is widely believed that more complete records exist in Moscow. A contact in the Constitutional Court believes that some Latvians may have access to these files, namely an attorney who figures prominently in a controversial book published last fall exposing unethical practices among judges, revealed through unauthorized telephone taps. End Comment) Bickovics told the Latvian Security Police (LSP) that the KGB approached him after his law studies with an offer of employment, but he declined their offer. The LSP told us that they had no evidence of affiliation beyond that.

16. (U) Also in question is how Bickovics received Latvian naturalization given his Polish heritage. His first application in the 1990s was initially rejected. However, he asserted that he had a right to Latvian nationality because his grandmother, while working in Latvia, had an illegitimate child (Bickovics, mother) with a Latvian. The naturalization application was later accepted by an Aizkraukle court where Bickovics was working as a judge. Latvian immigration officials are researching this case with no projected deadline for findings.

17. (C) Comment: There is no love lost between Gulans and Bickovics. The Supreme Court public affairs section did not make an effort to endorse or defend Bickovics while the controversy raged. He has the reputation of turning inward to protect his own -- the other judges -- in difficult situations and relying on the public's belief in the honesty and integrity of the Supreme Court instead of addressing

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issues transparently. Bickovics, ascension is now secure, but sources state that, though Bickovics is not necessarily viewed as threatening or corrupt, the Latvian legal system will most probably undergo a period of stagnation with him at the helm. End Comment.

LARSON